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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	
)	No. CR 05-00786-CW
Plaintiff,)	
)	STIPULATION AND ORDER
v.)	CONTINUING HEARING DATE
)	
RODNEY WILLIAMS,)	Date: December 19, 2005
)	Time: 2:00 p.m.
Defendant.)	Court: Hon. Claudia Wilken
)	U.S. District Court

This matter is currently set to make his initial appearance in district court on Monday, December 19, 2005, at 2:00 p.m. for status or change of plea. Defendant has received and reviewed the discovery and has initiated investigation into the circumstances of this case and the defendant's criminal history that is relevant both to trial and resolution of this matter. At this time, however, defendant's investigation is not yet complete. The parties agree that it is reasonable to afford defendant a few more weeks to pursue the investigation that has been initiated before setting either a motions schedule or trial date. In addition, defendant's counsel will be out of the office for approximately two weeks beginning December 20. The parties therefore jointly request that the hearing in this matter be continued from December 19, 2005, until January 9, 2006, at 2:00 p.m., or as soon thereafter as the Court is available.

1 The parties stipulate and agree that the time between December 19, 2005 and January 9,
 2 2006, should be excluded for purposes of the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and
 3 (B)(iv) in order to afford the defendant the reasonable time necessary for effective preparation,
 4 taking into account the exercise of due diligence, and to ensure that the defendant is not denied
 5 continuity of counsel.

6 SO STIPULATED.

7 Dated: December 16, 2005 /S/

8 HILARY A. FOX
 9 Attorney for Defendant WILLIAMS

10 SO STIPULATED.

11 Dated: December 16, 2005 /S/

12 ALICIA FENRICK
 Assistant United States Attorney

13 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
 14 "conformed" signature (/S/) within this efiled document.

15 Good cause appearing therefore, and pursuant to defendant Rodney Williams' stipulation, it
 16 is hereby ORDERED that the hearing currently scheduled for December 19, 2005, at 2:00 p.m. is
 17 vacated, and a hearing is hereby scheduled instead for January 9, 2006, at 2:00 p.m., for setting or
 18 change of plea. It is further ORDERED that the time from December 19, 2005, through January 9,
 19 2006, shall be excluded for purposes of the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and
 20 (B)(iv). The Court finds that the exclusion is appropriate in order to afford defendant the
 21 reasonable time necessary for effective preparation, taking into account the exercise of due
 22 diligence, and to afford defendant continuity of counsel. The Court further finds, based on the
 23 stipulation of the parties, that the ends of justice served by this exclusion of time outweigh the
 24 interests of the public and the defendant in a speedy trial.

25 IT IS SO ORDERED.

26 Dated: December 19
 _____, 2005

Claudia Wilton

CLAUDIA WILKEN
United States District Court

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